

Petition
Inventor: Harold P. Amann
Attorney Docket No.: 718149.2

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OFFICIAL

PATENT
718149.2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Harold P. Amann	:	Examiner: GREENE, Jason M.
	:	
Serial No.: 10/064,898	:	Group Art Unit: 1724
	:	
Filed: August 27, 2002	:	Attorney Docket No.: 718149.2
	:	
For: FILTER HOUSING ASSEMBLY	:	Customer No.: 27,128
FOR USE IN OXYGEN	:	
CONCENTRATORS AND OTHER	:	Confirmation No.: 7976
COMPRESSORS	:	
	:	
Last Office Action: November 3, 2003	:	

PETITION TO WITHDRAW HOLDING OF ABANDONMENT
PURSUANT TO 37 CFR §1.181

Mail Stop: ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Via Facsimile: 703-872-9306

Sir:

In response to the Notice of Abandonment mailed July 26, 2004, Applicant responds as follows.

Applicant received a Notice of Abandonment in the above-identified pending patent application dated July 26, 2004, a copy of which is enclosed herewith. The Notice of Abandonment indicates that the issue fee and publication fee were not paid within the statutory period. Applicant respectfully contends that the present application is not in fact abandoned and

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that the issue and publication fee was timely paid within the statutory period of three (3) months from the mailing date of the Notice of Allowance. The Notice of Allowance was mailed on March 9, 2004 and established the statutory due date for payment of the issue fee and publication fee as June 9, 2004. On May 27, 2004, Applicant paid the issue fee and publication fee via fax transmission. Applicant is also enclosing herewith a photocopy of the original issue fee transmittal form executed by Applicant's attorney, which fee transmittal form likewise includes a certificate of mailing or transmission dated May 27, 2004. Also enclosed herewith is the fax transmission confirmation sheet indicating that the issue fee transmittal form was faxed at 4:10 p.m. on May 27, 2004 and that such transmission was okay or received. The fax transmission confirmation sheet is sufficient evidence according to 37 CFR §1.8 (a)(1) and (b)(2) to establish a prima facie case that the issue fee and publication fee for the above-identified pending application was timely paid.

Applicant therefore respectfully requests that the Notice of Abandonment be withdrawn and that deposit account number 11-0160 be charged with the total issue fee and publication fee due in this matter, namely, \$965.00.

Respectfully submitted,

Date: 10 August 04*Samuel Digirolamo*

Reg. No. 29,915

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ATTORNEYS FOR APPLICANT

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Attachments:

- (1) Notice of Abandonment
- (2) Issue Fee Transmittal
- (3) Fax Confirmation Sheet Transmission